

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

United States of America

v.

DAVID VOELKERT

Case No.

3:11MJ39

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May through June, 2011, in the county of St. Joseph in the Northern District of Indiana, the defendant(s) violated:

Code Section

Offense Description

18:2511

Intentionally used an electronic, mechanical, or other device to intercept an oral communication

18:2

Aiding and abetting

(See Attachment)

(See Attachment)

FILED

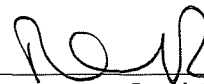
JUN -3 2011

At STEPHEN R. LUDWIG, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.



Complainant's signature

Robert Dane, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/03/2011

S/Christopher A. Nuechterlein

Judge's signature

City and state: South Bend, Indiana

Honorable Christopher A. Nuechterlein

Printed name and title

ATTACHMENT

In or around May through June 2011, in the Northern District of Indiana, David Voelkert, defendant herein, intentionally used, endeavored to use, and procured another person to use and endeavor to use an electronic, mechanical, or other device to intercept an oral communication, when he knew, and had reason to know, that such device or any component thereof was sent through the mail and transported in interstate or foreign commerce; in violation of Title 18, United States Code, Section 2511(1)(b) and Title 18, United States Code, Section 2.

AV's style of writing.

5. After AV's female friend began emailing Voelkert through Facebook, Angela monitored the emails on "Jessica Studebaker's" Facebook account.

6. AV's female friend, using "Jessica Studebaker's" Facebook account, and Voelkert began discussing Voelkert's children and ex-wife (AV) via emails sent to and from the Facebook accounts.

7. On May 26, 2011, Voelkert wrote "Jessica" to tell her he had sold his business (Secured Alarms) and planned to move somewhere warm with his kids, that he was still going to his next court dates, and would take off soon after.

8. Secured Alarms is a business owned by Voelkert in South Bend that sells and installs sophisticated video and audio equipment. Among Secured Alarms' customers are police departments.

9. On May 31, 2011, at 12:14 a.m., Voelkert wrote to "Jessica", "Ok, here is the deal. I had a GPS tracker on my van and I took it off earlier, it was just installed on my ex-wife's van so I can track her and know where she goes. It is hidden very well and would take a lot for it to be found, but my helper is a mechanic and knows what he is doing." Voelkert went on to discuss what kind of trouble that they could get in for doing this and that he wants "Jessica" to delete the message so there is no trace of talking about it.

10. On May 31, 2011, at 12:48 a.m., Voelkert wrote "Jessica", "I just got my brother in law to lend me the money to just leave. Here is the deal, I am going to try and pack up and be out of here by Friday the 3rd with my kids." Voelkert explains that his brother-in-law is getting everything in his house for lending him the money.

11. On May 31, 2011, at 1:58 p.m., Voelkert wrote "Jessica", "I have a GPS on her van,

so I know where she is all the time. I am going to find someone to take care of her and now it will be easier because I know where she is at all times. The GPS unit is cool because I can call in on the phone number to it and listen in with a microphone, but he couldn't get the microphone hooked up, so that really sucks. No worries, once she is gone I don't have to hide with my kids, I can do what I want and not have to worry about not seeing my family any more. You should find someone at your school, there should be some gang bangers there that would put a cap in her ass for \$10,000. I am just done with her crap!"

12. On May 31, 2011, at 2:03 p.m., Voelkert wrote "Jessica", "I just have to get my kids to where they are safe as I do not want anything happening around them with their mom, so after they are safe away, I will have her taken care of. I finally have the money to do this, I can finally be free of her . . . See, I am taking care of everything! I will finally be free, my kids can grow up and not be around all the hatred, it will be over. With me gone with my kids, the police can't pin anything on me as I will be in another state, so I will be fine. Will you be ready to go with me on the 10th? Let me know baby! ;-)"

13. On May 31, 2011, at 2:05 p.m., David Voelkert wrote "Jessica", "Oh, if you find someone for me I will not have the money until the 10th, but I can have cash . . . Make sure they know this as I do not want to get shot for oweing someone money!"

14. On May 31, 2011, after corresponding via Facebook with Voelkert about the GPS unit he had place on her vehicle, AZ contacted her brother to come over and take a look in her van. He discovered a small black plastic box, approximately 2"X2"X1/4" stuck to the upper corner of the driver's side windshield. A black cable ran from the plastic box directly to the fuse box. Attached to the black box was an antenna approximately 5 inches long. AZ's brother removed the black box and cut the cable.

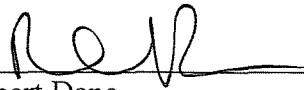
15. On May 31, 2011, at 4:22 p.m., Voelkert wrote “Jessica”, “I am pissed because I lost GPS signal on my ex’s van, I need to find out why but I don’t want to stir anything up. I will just hope it pop back in. I got a low battery alert, then it was gone, I think it lost power somehow. Grr, I am just so pissed and I am tired of getting walked on.”

16. Voelkert later wrote “Jessica”, “The GPS is back working again, so I am just waiting for the data on it to come through, the battery is low, it has to charge and she has to drive it to charge it. I set it so that it shuts off when she isn’t driving so it will not kill the battey and when it gets power again, it comes back on, that is what was wrong with it . . .”

17. Based on your affiant’s investigation and research, no manufacturers of combined tracking and audio-intercept devices, such as that described by Voelkert in his Facebook emails and viewed on AV’s vehicle, are located in Indiana.

18. Based on the above factual information, your affiant respectfully submits that there is probable cause to believe that David Voelkert, intentionally used, endeavored to use, and procured another person to use and endeavor to use an electronic, mechanical, or other device to intercept an oral communication, when he knew, and had reason to know, that such device or any component thereof had been sent through the mail and transported in interstate or foreign commerce, in violation of Title 18, United States Code, Section 2511(1)(b) and Title 18, United States Code, Section 2.

Further your affiant sayeth not.



Robert Dane
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence this 3rd day of June, 2011.

S/Christopher A. Nuechterlein

Honorable Christopher A. Nuechterlein
United States Magistrate Judge
Northern District of Indiana
South Bend Division